

**ASSEMBLY BILL**

**No. 1427**

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**Introduced by Assembly Member Mountjoy**

February 22, 2005

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An act to add Section 123447 to the Health and Safety Code, relating to abortion.

LEGISLATIVE COUNSEL'S DIGEST

AB 1427, as introduced, Mountjoy. Abortion: saving tissue for evidence.

Existing law, the Reproductive Privacy Act, makes a surgical abortion unauthorized unless it complies with provisions of the Medical Practice Act that make performance of an abortion by a person without a physician and surgeon's certificate subject to the provisions relating to the unauthorized practice of medicine.

Existing law makes performing or assisting in the performance of a nonsurgical abortion subject to the provisions relating to the unauthorized practice of medicine if the person does not possess a license to practice as a physician and surgeon, or does not have a license or certificate obtained in accordance with some other provision of law that authorizes him or her to perform or assist in performing the functions necessary for a nonsurgical abortion.

This bill would require a physician and surgeon performing an abortion on a minor to retain sufficient tissue of the aborted fetus to permit DNA testing for the purpose of determining paternity and establishing the guilt or innocence of the accused in any criminal action regarding sexual crimes relating to the aborted pregnancy.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 123447 is added to the Health and  
2     Safety Code, to read:  
3     123447. Notwithstanding Sections 123440 and 123445, a  
4     physician and surgeon performing an abortion on a minor shall  
5     retain sufficient tissue of the aborted fetus to permit DNA testing  
6     to determine paternity. The tissue shall be preserved, along with  
7     sufficient documentation to adequately identify the tissue and  
8     establish the chain of custody for a period of four years, and shall  
9     be made available upon court order for the purpose of  
10    determining paternity and establishing the guilt or innocence of  
11    the accused in any criminal action regarding sexual crimes  
12    relating to the aborted pregnancy.

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